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**Hon. Richard J. Sullivan
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007**

**This letter was sent regular mail
as well as ECF**

February 11, 2008

Scott v NYC et al 07 CV 6920

Dear Judge Sullivan:

I represent the plaintiffs in this action which alleges violation of their civil rights & other related state law causes of action. I write this at the direction of the Court. I was directed to provide the Court with my position on the question of transfer of this matter to the Eastern District of New York. For the reasons set forth below, I oppose any transfer and believe the choice of venue of the plaintiff's is proper.

This matter involves resolution of a federal question (as reflected on the civil cover sheet) and is brought under 42 United States Code 1983 and related state law causes of action. The lead defendant is the City of New York, who, for the purposes of venue, is located in the Southern District of New York. 28 U.S. C. Section 1331 (b) provides that venue is appropriate in: 1) a judicial district where any defendant resides, if all defendants reside in the same state. All defendants are residents of the state of New York, so venue is proper at this time.

The other defendants are all members of the New York City Police Department. It is common during a deposition for these officers to give their business address as One Police Plaza, located in the Southern District. One of the pendant state law claims involves the negligent hiring, selection and retention of employees. Employment records on these police would be located in the Southern District as well.

My adversary Mr. Fabian of the Law Department has already written the Court stating that he would not take a position regarding this issue and a copy of his letter is enclosed for ease of reference.

I respectfully request that the venue of this action remain in the Southern district. I thank the Court for its attention and consideration.

MC/l1

Very Truly Yours,

cc: Sean Fabian, Esq.

Michael Colihan